

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... James and Linda Draffin

**Request**..... Use Subject to County Commission approval

**Proposed Use** ..... Two-lot subdivision

**Size** ..... 6.7± acres

**Zoning** ..... Residential-I (R-I)

**Location** ..... On the south side of Chestatee Road  
approximately 232 feet from its intersection  
with North Harbour Court; a.k.a. 3479  
Chestatee Road; Tax Parcel 10048 000013.

**Commission District** ..... Two

**Planning Commission Date** ..... June 6, 2022

**Staff Recommendation** ..... **Approval**

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**Planning Commission Recommendation: Approval, with conditions**  
**Vote: 4-0 (Pilcher absent)**

**Conditions:**

1. *The applicant shall submit a plat to Hall County Planning and Development to be reviewed as a Minor Subdivision.*
2. *Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six.*
3. *Show the flood zone on the plat.*
4. *Show the required Engineering Notes on the plat for Minor Subdivisions.*
5. *The proposed driveway will need to meet Hall County Driveway Regulations and be approved by Hall County Public Works.*
6. *All proposed lots must meet the Hall County Board of Health Lot Size Resolution and Environmental Health requirements for plat approval.*
7. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:  
“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”*
8. *In accordance with Section 17.380.130.E.8 of the Hall County Ordinances: The approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action*

*is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and development plat approval.*

### **Applicant Proposal**

The applicant is requesting to subdivide an existing 6.7± acre Residential-I (R-I) zoned parcel into two tracts. Pursuant to §17.60.040 of the Official Code of Hall County a residential subdivision in this zoning district requires conditional use approval from the Board of Commissioners.

The applicant's narrative states that they have owned the property for 45 years and are requesting to subdivide 1.5± acres out of the property for a new tract. The applicant's narrative states they have no intent to develop the tract. The applicant continues that if the 1.5± acres are developed in the future, they will connect to City of Gainesville water and sewer service, if available, and if not will utilize well water and a septic system.

The submitted site plan depicts the proposed 1.5± acre lot located at the northwest portion of the property. The parcel contains 361± feet of road frontage and is a depth of 200± feet. The parent parcel will contain the remaining 5.19± acres and have approximately 208± feet of road frontage.

### **History and Existing Land Uses**

The subject property is 6.7± acres and is zoned Residential-I (R-I) and is developed with a 2,700 square foot residence, constructed in 1978. The property is recorded with the Hall County Clerk of Courts and can be found in Plat Book 65 page 181 recorded on March 1, 1977.

The subject property is located on the south side of Chestatee Road. To the west and south of the subject property is U.S.A.C.E land, a branch of Lake Lanier. To the north, across Chestatee Road, and to the west, are also R-I zoned properties. The current zoning does not allow subdivisions by right. The applicant has chosen to request a conditional use approval from the County Commission to accommodate the proposed residential subdivision.

### **Comprehensive Plan Land Use Designation**

The Comprehensive Plan's future land use designation for the subject parcel is "Lake Area Residential." This land use category is characterized by low-density single-family residential and neighborhoods. The intent of land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences similar in land use patters to Residential Areas but at a lower density.

This request complies with the Comprehensive Plan and Future Land Use Map designation.

### **Development Support and Constraints**

#### **Hall County Environmental Health**

In an email dated May 13, 2022, Emily McGahee, Hall Environmental Health, provided the following comment: "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Applicant was notified of Environmental Health requirements for plat approval on April 4, 2022."

Hall County Fire Services

The subject property is located approximately 2.3 miles from Fire Station #13, located at 2709 Sardis Road.

Hall County Public Works and Utilities

A memo dated May 19, 2022 from Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comment:

Engineering

Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six. Show flood zone.

Traffic Engineering

Proposed driveway will need to meet County Driveway Regulations.

Utilities

No comments.

Hall County Tax Assessors

No comments were provided in relation to this item.

Gainesville Water and Sewer Resources

Public water is available along this portion of Chestatee Road but there is no access to sanitary sewer.

Georgia Department of Transportation

This project will not require GDOT coordination.

**Zoning Analysis**

- The subject parcel is a total of 6.7± acres in size. The applicant is requesting to allow a minor subdivision to create two building lots.
- The proposed property use is consistent with the Comprehensive Plan. These parcels are not located within any corridors or activity centers.
- Per §17.240.010 of the Official Code of Hall County, the minimum dimensional standards for the Residential-I zoning district are as follows:
  - 35,000 square foot minimum lot size.
    - This standard **is met**
    - 50' minimum frontage for local roads or 150' minimum frontage for road designated as an arterial or collector per §16.50.040 of the Official Code of Hall County.
    - Chestatee Road is classified as a major collector and shall require 150 feet of frontage for each lot.
    - The proposed subdivision **meets** this standard.
    - 75' minimum lot width (at front setback line) per §17.240.120.
    - Each parcel is at least 75' in width at the building line. ▪ This standard **is met.**
  - 30' front and street side setbacks
  - 10' side yard setback
  - 20' rear setback
  - Side and rear yards which adjoin Lake Lanier may have a zero setback

- §17.380.060 of the Official Code of Hall County provides the criteria for considering a conditional use. The application **meets** all these standards based on the following analysis:
  - The zoning proposal is consistent with the Comprehensive Land Use designation by maintaining low density residential uses in the area of the lake.
  - Due to the number of other residential uses within the R-I zoning in this area, a conditional use, if granted, would not cause substantial detriment to the public good.

### **Staff Recommendation**

Staff recommends **approval** of the applicant's request with the following conditions:

1. The applicant shall submit a plat to Hall County Planning and Development to be reviewed as a Minor Subdivision.
2. Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six.
3. Show the flood zone on the plat.
4. Show the required Engineering Notes on the plat for Minor Subdivisions.
5. The proposed driveway will need to meet Hall County Driveway Regulations and be approved by Hall County Public Works.
6. All proposed lots must meet the Hall County Board of Health Lot Size Resolution and Environmental Health requirements for plat approval.
7. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:
 

“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”
8. In accordance with Section 17.380.130.E.8 of the Hall County Ordinances: The approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and development plat approval.

### **Excerpts from the minutes of the June 6, 2022 meeting**

#### **Applicant's Presentation:**

**Randi Doveton, Planning Director**, presented a summary of the request.

**James Draffin, 3479 Chestatee Road, Gainesville**, presented the request. The applicant stated that he wants to cut 1.5 acres to leave for his family but is not planning to build anytime soon.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Hunt questioned if the applicant has read the staff report for his application. The applicant stated that he has and he understands.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Bell.  
Vote: 4-0 (Pilcher Absent)**

Conditions:

9. *The applicant shall submit a plat to Hall County Planning and Development to be reviewed as a Minor Subdivision.*
10. *Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six.*
11. *Show the flood zone on the plat.*
12. *Show the required Engineering Notes on the plat for Minor Subdivisions.*
13. *The proposed driveway will need to meet Hall County Driveway Regulations and be approved by Hall County Public Works.*
14. *All proposed lots must meet the Hall County Board of Health Lot Size Resolution and Environmental Health requirements for plat approval.*
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16. *In accordance with Section 17.380.130.E.8 of the Hall County Ordinances: The approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and development plat approval.*